

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

RANDY OYAMA, #5767
Attorney at Law
888 Mililani Street, PH2
Honolulu, Hawai'i 96813
Telephone: 521-9840

MAR 17 2006

at 3 o'clock and 40 min. PM
SUE BEITIA, CLERK

ATTORNEY FOR DEFENDANT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00052SOM-02
)	
)	DEFENDANT RICK RICCETTI'S
Plaintiff,)	RESPONSE TO MOTION FOR
)	REDUCTION OF SENTENCE PURSUANT
vs.)	TO F.R.Cr.P. 35(b) [RICK
)	RICCETTI]; CERTIFICATE OF
RICK RICCETTI,)	SERVICE
)	
Defendant.)	
)	
)	
)	
)	

**DEFENDANT RICK RICCETTI'S RESPONSE TO MOTION FOR
REDUCTION OF SENTENCE PURSUANT TO F.R.Cr.P. 35(b) [RICK RICCETTI]**

Defendant, Rick Riccetti, by and through his undersigned counsel, hereby submits his response to the Government's Motion for Reduction of Sentence, pursuant to F.R.Cr.P. 35(b).

On January 23, 2006, Defendant was sentenced to a term of imprisonment of 120 months (10 years), a term of supervised release of 5 years, and a special assessment of \$100.00.

On March 6, 2006, co-defendant Anthony Long, based on a 5K1.1 departure for substantial assistance to the Government, was sentenced to 63 months imprisonment. 63 months represents the low end of the Guideline Range at Level 26 with a Criminal History Category of I. Defendant Long's relevant conduct and base offense

level of 26 is identical to that of Defendant Riccetti.

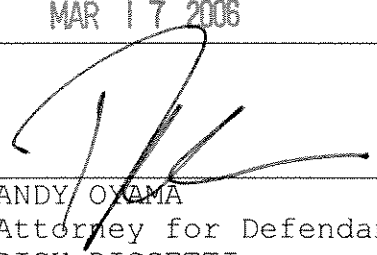
Both defendant's cooperated with the Government immediately upon their arrest and provided similar cooperation to the Government.

Defendant Riccetti's guideline range is between 78 and 97 months at a Level 26 and Criminal History Category at III.

Defendant Riccetti respectfully requests that his sentence be reduced, like co-defendant Long, to the low end of the guideline range, which would be 78 months. The reason being that both co-defendants are similarly situated in terms of their relevant conduct and the extent of their cooperation. The difference between Riccetti and Long is that Riccetti's criminal history is greater. This factor is given consideration by the 15 months more that Riccetti would be required to serve at 78 months. Additionally, Riccetti's criminal history is over represented as it contains mostly traffic related matters.

Based on the foregoing, Defendant Riccetti respectfully requests that his sentence be reduced to 78 months.

DATED: Honolulu, Hawaii, MAR 17 2006.



RANDY OYAMA
Attorney for Defendant
RICK RICCETTI

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document will be served on the below identified party by hand-delivery to his last known address upon the filing hereof.

MICHAEL K. KAWAHARA
Assistant U.S. Attorney
PJKK Federal Building, Suite 6-100
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

Attorney for the United States of America

DATED: Honolulu, Hawaii, MAR 17 2006.



RANDY OYAMA
Attorney for Defendant
RICK RICCETTI